

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
Western Division  
No. 5:13-CV-00716-FL

ROBERT MANKES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>DEFENDANT FANDANGO, LLC'S</b>
	)	<b>MOTION TO DISMISS</b>
	)	
FANDANGO, LLC,	)	
	)	
Defendant.	)	

Pursuant to Rules 8 and 12(b)(6) of the Federal Rules of Civil Procedure, defendant Fandango, LLC hereby moves the Court for the entry of an order dismissing the Complaint [DE 1] on the ground that it fails to state a claim upon which relief can be granted.

The grounds supporting this motion are set forth in the brief submitted herewith.

This the 6<sup>th</sup> day of January, 2014.

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### **CERTIFICATE OF SERVICE**

I hereby certify that, on the 6<sup>th</sup> day of January, 2014, I electronically filed the foregoing Defendant Fandango, LLC's Motion to Dismiss with the Clerk of Court using the CM/ECF system, which will send notification to the attorneys of record for Robert Mankes as follows:

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